

REMARKS

Claims 1-26 are pending in the present application and have been rejected. All previous rejections have been withdrawn.

Claim Rejection: 35 U.S.C. § 102(b)

The Office has rejected claims 18-26 under 35 U.S.C. § 102(b) as being anticipated by Scott (U.S. Patent No. 5316246) for the reasons noted on page 2 of the Office Action. Applicant respectfully traverses this rejection.

All of the rejected claims contain the limitation that a hose clamp is clamped to the hose. The Office, however, has not shown that Scott describes such a limitation. The Office argues that Scott teaches a hose for an IV solution and a “clamp 11” attached to the hose wherein the clamp has a marking surface adapted to receive a tape or label that identifies the medication flowing through the hose.

Applicant respectfully disagrees with the Office’s interpretation of Scott. This reference describes a holder 10 that has a plurality of clips 11 that are used to secure the IV tubing. The clips 11 are structured to provide a frictional grasping of the tubing to prevent it from falling out, but not so much friction that the tubing is not readily released from the clips. *See column 3, lines 28-33.* Based on such a disclosure, the skilled artisan would have understood that component 11 of the holder 10 is exactly what Scott discloses: a clip, and not a clamp. Moreover, the skilled artisan would understand that the holder 10 is not clamped onto the IV hose since it appears from the Figures and the accompanying text that the holder merely secures the IV hose without any type of clamping action.

Thus, the Office has not shown that Scott anticipates each and every limitation in the rejected claims. Accordingly, Applicant requests withdrawal of this ground of rejection.

Claim Rejection: 35 U.S.C. § 102(b)

The Office has rejected claims 1-17 under 35 U.S.C. § 102(b) as being anticipated by Wolfson (U.S. Patent No. 5,281,228) for the reasons noted on pages 2-3 of the Office Action. Applicant respectfully traverses this rejection.

To begin with, the Office rejected these same claims in the Office Action of November 29, 2005. Applicant then argued against this rejection in the Amendment filed on February 24, 2006. In the subsequent Office Action of May 18, 2006, the Office withdrew the rejection of the claims over Wolfson in light of the amendments and/or arguments. So Applicant is confused as to why this reference is now being used to again reject the claims.

In any event, all of the rejected claims (both in the Amendment of February 24, 2006 and in the present Amendment) contain the limitation that an identification device is being used with a hose clamp. The Office argues that component 62 of Wolfson is a hose clamp. Applicant respectfully disagrees with this interpretation of Wolfson. The Wolfson patent is riddled with references to the fact that the identification member 66 and clamp 62 of the device of Wolfson is to be used with an umbilical cord. *See Title and Abstract*. Indeed, Wolfson describes that clamp 62 is an “umbilical” clamp 62, not a hose clamp. *See column 2, lines 41-68*. And the Office has not pointed to any disclosure in Wolfson that would have taught the skilled artisan that these devices could be used to identify and clamp a hose instead of an umbilical cord. *See also, claims 1-5*.

Thus, the Office has not shown that Wolfson anticipates each and every limitation in the rejected claims. Accordingly, Applicant requests withdrawal of this ground of rejection.

Claim Rejection: 35 U.S.C. § 102(e)

The Office has rejected claims 1-9, 11, and 13 under 35 U.S.C. §102(e) as being anticipated by Schweikert (U.S. Published Application No. 2003/006218) for the reasons noted on pages 3-4 of the Office Action. Applicant respectfully traverses this rejection.¹

The Office argues that Schweikert anticipates these claims in light of the device depicted in Figures 1, 2, and 4-9 and the accompanying description in the specification. Specifically, the Office argues that Schweikert describes a catheter information ring 110 containing an identification member 124/630 and cross member 112/602 that is attached to the identification member and transverses a hose clamp 170 to retain the identification member adjacent the clamp independently of the hose on which the hose clamp 170 is located. The Office also argues that the member 610 secures the information ring to the hose clamp.

Applicant disagrees that the Office has met its burden of substantiating anticipation under 35 U.S.C. §102 by showing that Schweikert teaches each and every limitation in the rejected claims. Claims 1-9, 11, and 13 contain the limitation that the identification device contains a member (or means) for securing the identification device to a hose clamp that, in certain claims, is different than the cross member. In some claims, this member comprises a protrusion.

¹ Applicant notes that the Office did not reject claim 12 over Schweikert. But the Office addressed arguments as to the limitations in claim 12 in the paragraph bridging pages 3-4. To the degree those arguments concerned limitations in the rejected claims, they have been addressed in the comments presented herein. But to the extent the Office's (footnote continued on next page)

The Office argues that Schweikert describes this limitation by the member 610 which secures the device (the information ring 210) to the hose clamp. Applicant respectfully disagrees with the Office's interpretation of this reference. Schweikert discloses the interaction between information ring 210 (which is presumably similar for information ring 110 and 600) and the conduit clamp 570 that is on conduit 560. The conduit clamp 570 contains a first end 572 and a second end 574 that has a curved portion 584. A first clamp member 594 is located on the first end 572 and a second clamp member 596 is located on the second end 574. *See paragraph [0043] and Figures 10-11.* The first and second clamp members of the conduit clamp 670 are biased together to pinch the conduit 560. *Id.*

The body 212 of the information ring 210 is disposed so that the rounded second face 220 of the body 212 is "loosely engaged" against the second curved portion 584 and so that the rounded second face 220 of the information ring 210 is nestled in the second curved portion 584. The clamping members "loosely engage" the first face 218 of the information ring 210 and prevent it from traversing along the conduit 560. *See paragraph [0044].*

In light of this disclosure, the skilled artisan could understand that the conduit clamp 570 positions the identification ring along the axis of the conduit 560 and holds it in that location when the clamp members pinch the conduit 560. But the claims do not recite that the hose clamp secures the identification device to the hose. Rather, the claims recite that the member of the identification device secures the identification device to the hose clamp.

(footnote continued from previous page)

arguments address limitations in claim 12, which was not rejected, those arguments have been ignored by Applicant as not being submitted to support the rejection of claims 1-9, 11, and 13.

The Office argues that member 610 secures the information ring 600 to the hose clamp. Again, the Office has misconstrued this reference. Information ring 600 contains a first connection portion 602 and a second connection portion 608. The first connection portion 602 contains a connection end 604 and second connecting portion 608 contains a connecting end 610. The two connecting ends 604 and 610 respectively contain a male connector 614 and female connector 616 that releasably secure the first connecting portion 602 and the second connecting portion 608 to each other. *See paragraph [0050]*. Thus, the skilled artisan would understand that member 610 is part of a mechanism that secures the two parts of information ring 600 together, rather than secures the information ring 600 to the conduit clamp 570 as required by the claims.

Thus, the Office has not shown that Schweikert anticipates each and every limitation in the rejected claims. Accordingly, Applicant requests withdrawal of this ground of rejection.

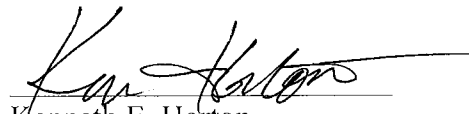
CONCLUSION

For the above reasons, Applicant respectfully requests withdrawal of the pending grounds of rejection and allowance of the pending claims.

When the Office considers the content of this Amendment, the undersigned respectfully requests a telephonic interview with the Examiner to discuss the cited prior art. The Examiner is requested to contact the undersigned at 801-321-4897 to arrange such an interview.

If there is any fee due in connection with the filing of this Amendment, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 50-0843.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Ken Horton", written over a horizontal line.

Kenneth E. Horton
Reg. No. 39,481

January 28, 2009